

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-63 are pending in this application, Claims 1-17, 19-23, 27-51, and 53-56 having been withdrawn, Claims 18, 26, 52, and 57 having been amended, and Claims 61-63 having been added. Support for the amendments to Claims 18, 26, 52, and 57 is found, for example, in Fig. 25. Support for new Claims 61-63 is found, for example, in Fig. 16. The species of Figs. 16 and 25 were elected in the Provisional Election filed on September 6, 2005. Applicants' respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 18, 24-26, 52, 57, and 58-60 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamaguchi et al. (U.S. Patent No. 5,801,746, hereinafter Yamaguchi) in view of Kato (U.S. Patent Publication No. 2001/0035943).

Initially, it is noted that MPEP §707.07(f) has been violated. MPEP §707.07(f) indicates that a proper Action is to take note of the points raised in traversing such a repeated rejection and answer the substance thereof. In previously filed response, it was pointed out that the Office has not examined Claim 25.

While the Office purports to reject Claim 25 (see page 2 of the outstanding Office Action), only the elements of Claim 18 are discussed. The Office does not explain why Claim 25 is rejected, and specifically does not identify where the art of record discloses the claimed "wherein convergences of the pre-deflection imaging units differ from each other relatively to a sequence in which the light source units are aligned in the first direction."

It is noted that the Supreme Court in the recent *KSR* decisions stated

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to com-

bine the known elements in the fashion claimed by the patent at issue. ***To facilitate review, this analysis should be made explicit. See In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006) (“[R]jections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”).*** (emphasis added)

Thus, the outstanding Office Action is deficient, and must be withdrawn and replaced by a proper Official Action that addresses each of the pending claims individually and explains the rationale for rejecting each of them.

Applicant respectfully submits that the PTO should clearly indicate the basis for a rejection. MPEP §707.07(d) states “[w]here a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated.” Furthermore, MPEP §706.02(j) states “[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. Furthermore, if an initially rejected application issues as a patent, the rationale behind an earlier rejection may be important in interpreting the scope of the patent claims.” Thus, in any future rejection, Applicant respectfully requests that the PTO individually address the subject matter of each of the claims.

With respect to the rejection of Claim 18 as unpatentable over Yamaguchi and Kato, Applicants respectfully submit that the amendment to Claim 18 overcomes this ground of rejection. Amended Claim 18 recites, *inter alia*, “the beam merging unit includes a plurality of separate mirrors each located on one of the optical axes between the light source units and the deflection unit, each of the plurality of separate mirrors is disposed on a separate bracket that is staggered with respect to other brackets.” Yamaguchi and Kato, taken alone or in proper combination, do not disclose or suggest these elements of amended Claim 18.

Yamaguchi describes pre-deflection mirror block 13, which is located between the lasers 3 and the polygonal mirror, along the optical axes of the lasers 3. However, Yamaguchi states there is “only one pre-deflection mirror block 13.”<sup>1</sup> Furthermore, Figs. 4 and 5 of Yamaguchi show that pre-deflection mirror block 13 is an integrally formed piece. Thus, Yamaguchi does not disclose or suggest a plurality separate mirrors.

Furthermore, amended Claim 18 recites that each of the plurality of separate mirrors is disposed on a separate bracket that is staggered with respect to the brackets. Yamaguchi does not disclose or suggest these elements of amended Claim 18.

Yamaguchi provides in Figs. 4 and 5 a mirror configuration to merge light beams from the light source units at a point on the light path towards the deflection unit. In contrast, the invention defined by Claim 18 includes a plurality of separate mirrors disposed on separate brackets that are staggered to provide a mirror configuration to sequentially merge light beams at respective points on the light path towards the deflection unit.

Furthermore, it is noted that Applicants Figs. 20A and 20B are similar to Yamaguchi's Figs. 4 and 5. The Election Requirement mailed August 5, 2005 indicates that Applicants' Figs. 20A, 20B, and 25 show patentably distinct species. Thus, Applicants respectfully submit that amended Claim 18 (which describes the species shown in Applicants' Fig. 25) is patentably distinct from Yamaguchi's Figs. 4 and 5, for the same reasons the Examiner identified Applicants Figs. 20A, 20B, and 25 as showing patentably distinct species.

Furthermore, Kato does not cure the above-noted deficiencies in Yamaguchi.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 18 (and any claims dependent thereon) patentably distinguish over Yamaguchi and Kato, taken alone or in proper combination.

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<sup>1</sup> Yamaguchi, col. 7, line 44-45.

In addition, amended Claims 52 and 57 recite elements similar to those of amended Claim 18. Thus, Applicants respectfully submit that Claims 52 and 57 (and any claims dependent thereon) patentably distinguish over Yamaguchi and Kato, taken alone or in proper combination, for at least the reasons stated for Claim 18.

Moreover, Claims 61-63 recite "wherein the plurality of separate mirrors are configured to each branch off a light beam and to have the toroidal lenses with the optical face tangle error correction function on a light path for respective branched-off light beams."

Yamaguchi provides a mirror configuration to share imaging units with light beams and to branch off the light beams after passing through all the imaging units. In contrast, the invention defined by Claims 61-63 provides a mirror configuration to branch off light and to have toroidal lenses with an optical face tangle error correction function on the light path for respective branched-off light beams.

Thus, Claims 61-63 further patentably distinguish over Yamaguchi.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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